

IN THE UNITED STATES COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

)	
GWACS ARMORY, LLC, an Oklahoma)	
limited liability company,)	
)	
Plaintiff,)	Case No.
v.)	20-CV-0341-CVE-SH
)	
KE ARMS, LLC, RUSSEL PHAGAN,)	Consolidated with
SINISTRAL SHOOTING TECHNOLOGIES,)	Case No.
LLC, BROWNELLS, INC. And SHAWN)	21-CV-0107-CVE-SH
NEALON,)	
)	
Defendants,)	
and)	
)	
KE ARMS, LLC,)	
)	
Plaintiff,)	
v.)	
)	
GWACS ARMORY, LLC, GWACS DEFENSE)	
INCORPORATED, JUD GUDGEL, RUSSEL)	
ANDERSON, DOES I through X, and)	
ROE CORPORATIONS I through X,)	
)	
Defendants.)	

DEPOSITION OF MIKE KENNY
PHOENIX, ARIZONA
May 31, 2022

Prepared by:
Deborah L. Tucker, RPR
Certified Reporter
Certification No. 50464

1 Q. What about a photograph of a --

2 A. I didn't -- I wasn't in any meetings with
3 Scherer, so . . .

4 Q. So you never showed Scherer Tech a CAV-15 lower
5 receiver; is that correct?

6 A. I did not.

7 Q. Including photographs, you never showed them any
8 photographs, correct?

9 A. I never dealt with the man.

10 Q. Well, you understand you can show somebody a
11 photograph without meeting with them, right?

12 A. I mean, I never had a discussion or talked with
13 him or -- I never met the man. I never had a conversation
14 with him that I can recollect.

15 Q. Did you e-mail anybody from Scherer Tech a
16 picture of a CAV-15 lower receiver?

17 A. Me, no.

18 Q. Do you know if anybody at KE Arms did?

19 A. I don't know that.

20 Q. Do you know if anybody from KE Arms sent Scherer
21 Tech prints for a CAV-15 lower receiver?

22 A. We have never had prints for a CAV-15 lower
23 receiver.

24 Q. Do you know if anybody from KE Arms sent Scherer
25 Tech CAD files for a CAV-15 lower receiver?

1 MR. CALAWAY: Object to the form.

2 THE WITNESS: There's a lot of different CAV
3 lower receivers. I'm not sure what you're talking about.

4 BY MR. BOGAN:

5 Q. Okay. Tell me what the different CAV lower
6 receivers are.

7 A. Well, my understanding there was a Mark 1 and a
8 Mark 2.

9 Q. So, do you know if anybody from KE Arms sent
10 Scherer Tech a CAD file for a CAV-15 MK1?

11 A. I do not know that.

12 Q. Do you know if anyone from KE Arms sent Scherer
13 Tech CAM files for a CAV-15 MK1?

14 A. I do not know that.

15 Q. Do you know if anyone from KE Arms sent Scherer
16 Tech CAD files for a CAV-15 MK2?

17 A. We've never had drawings for a CAV-15 Mark 2.

18 Q. Do you know if anyone -- finish your answer.

19 A. We don't possess them so we couldn't have sent
20 them to them.

21 Q. Do you know if anyone from KE Arms sent Scherer
22 Tech CAM files for a CAV-15 MK2?

23 MR. CALAWAY: Object to the form.

24 THE WITNESS: No.

25 BY MR. BOGAN:

1 A. Correct.

2 Q. That buttstock?

3 A. Yes, um-hum.

4 Q. Have you seen that design in another polymer
5 buttstock?

6 A. A finished product, no.

7 Q. What about a not finished product, an unfinished
8 product?

9 A. I mean, it's -- that internal ribbing structure
10 is not in a part, no.

11 Q. So you've never seen that style of ribbing in a
12 buttstock design before; is that your testimony?

13 A. I mean, they're similar. They're similar traits
14 to the Mark 1 and, you know, similar traits to a lot of
15 different polymers. And when you look at all the polymer
16 guns there's internal ribbing structures, whether it's a
17 pistol or a rifle, or anything. I mean, a single piece
18 lever, multi-piece lever. They all have it. Pretty much
19 any plastic part has internal ribbing structures in it.

20 Q. And what is the internal ribbing structure of the
21 MK1?

22 A. Specifically? I didn't work on that so I don't
23 know the specific structures to it all.

24 Q. You've never looked at the intern- --

25 A. I've looked at it, but, I mean, I can't describe

1 it other than there's internal ribs that support the outer
2 shell of the structure.

3 Q. You've looked at the internal rib structure of
4 the MK1, a CAV-15 MK1?

5 A. Yes, I have.

6 Q. And where did you look at the internal structure
7 of the CAV-15 MK1?

8 A. At our facility.

9 Q. And how did you look at that?

10 A. With my eyes.

11 Q. Was it on a computer?

12 A. Russell has -- had samples of them.

13 Q. What do you mean by Russell had samples of them?

14 A. Well, I don't remember if it was drawings or
15 parts, but Russell has -- I mean, has various pieces that
16 I looked at that.

17 Q. So Russell has various pieces of an MK1?

18 A. And photos. I mean, there's -- the MK1 is very
19 well documented. So, yes, we have looked at -- I have
20 looked at various pieces of that. Plus, we purchased the
21 drawings to it, so . . .

22 Q. But you didn't look at those drawings, right?

23 MR. CALAWAY: Object to the form.

24 THE WITNESS: Specifically, I don't know
25 what all I've looked at four years ago. But, I mean, we